

REMARKS

Reconsideration and further examination of this application is hereby requested. Claims 1-31 are currently pending in the application.

A. ALLOWABLE SUBJECT MATTER

Applicant also appreciates the indication that claims 6 and 17 recite allowable subject matter. Claims 6 and 17 have been amended to be in independent form so as to place them in condition for immediate allowance.

B. ELECTION

Applicant hereby affirms the telephonic election of Group I, thereby leaving claims 9-11, 20-27, and 29-31 as being withdrawn from consideration.

C. THE OBVIOUSNESS REJECTION

Claims 1-5, 7, 8, 12-16, 18, 19, and 28 have been rejected under 35 U.S.C. § 103(a) as being obvious over Dutta (US 6546423) in view of McDaniel (US 6510214). This rejection is respectfully traversed based on the following arguments.

In order for a patent claim to be obvious, the prior art must teach or suggest each and every limitation of the claim. That is because the claim must be considered as a whole, not distilled down to a "gist."

Independent method claim 1 recites the limitation:

attenuating subsequent mail requests for the mail client at the proxy server until a predetermined condition has been satisfied.

See claim 1 at the last three lines. Independent apparatus claim 12 recites a similar limitation at the last three lines. Independent network claim 28 recites a similar limitation at the last three lines.

When considered together, Dutta and McDaniel do not teach or suggest this expressly recited limitation. They do not suggest that attenuation of requests would be until satisfaction of a predetermined condition. In fact, neither even mentions the attenuation of mail requests.

The Examiner concedes that Dutta does not teach this. To overcome this shortcoming in the teachings of Dutta, the Examiner relies on the teachings of McDaniel concerning discarding of requests. The discarding taught by McDaniel does not teach or provide a suggestion of the discarding being until satisfaction of a predetermined condition.

Concerning dependent claims 2 and 13, the Dutta and McDaniel references do not teach or fairly suggest the “predetermined condition is a predetermined period of time” limitation that these claims explicitly recite.

Concerning dependent claims 4 and 15, the Dutta and McDaniel references do not teach or fairly suggest the

predetermined condition is a combination of a predetermined
time period and receipt of a notification from the mail server that
mail has been received for the mail client at the mail server

limitation that these claims explicitly recite.

For the above reasons, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claims 1-5, 7, 8, 12-16, 18, 19, and 28. Accordingly, withdrawal of these obviousness rejections is respectfully requested.

D. Closing

In view of the above, Applicant respectfully submits that independent claims 1, 12, and 28 are patentable over the prior art. Applicant further submits that dependent claims 2-8 and 11-19 are patentable, at least as being dependent from patentable independent claims, and are further patentable due to the additional limitations recited therein.

For the above reasons, Applicant respectfully submits that the application is in condition for allowance with claims 1-8, 12-19, and 28. If there remain any issues that may be disposed of via a telephonic interview, the Examiner is kindly invited to contact the undersigned at the local exchange given below.

AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No. 09/533,463

PATENT APPLICATION

The Director of the U.S. Patent & Trademark Office is authorized to charge any necessary fees, and conversely, deposit any credit balance, to Deposit Account No. 18-1579.

Respectfully submitted,



Christopher KILNER
Reg. No. 45,381

ROBERTS ABOKHAIR &
MARDULA, LLC
11800 SUNRISE VALLEY DR.
SUITE 1000
RESTON, VA 20191
(703) 391-2900